

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SCOTT LEE BRAUN, et al.,
on behalf of himself and all others
similarly situated

Plaintiff(s),

v.

COULTER VENTURES, LLC, d/b/a
ROGUE FITNESS, et al.

Defendant(s).

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Case No. 19-cv-05050

CHIEF JUDGE ALGENON L. MARBLEY

Magistrate Judge Jolson

OPINION & ORDER

This matter comes before the Court on the parties' Motion for Conditional Certification and Court-Supervised Notice to Potential Opt-in Plaintiffs, pursuant to 29 U.S.C. § 216(b). (ECF No. 63). Pursuant to that Motion, the parties have stipulated to the following:

- (1) Conditionally certifying the proposed collective FLSA classes as defined herein;
- (2) Implementing a procedure whereby Court-approved Notice of Plaintiff's FLSA claims is sent (via U.S. Mail and e-mail) to:

All current or former non-exempt employees in Defendants' warehouse, customer service, and/or manufacturing divisions and employed during the past three years who were paid from the beginning of their shift until the end of their shift despite being clocked in more than seven (7) minutes prior to their shift and/or remaining clocked in more than seven (7) minute after their scheduled shift end time.

- (3) Requiring Defendants to, within fourteen (14) days of this Court's order, identify all potential opt-in Plaintiffs by providing a list in electronic and importable format, of the names, addresses, and e-mail addresses of all potential opt-in Plaintiffs who worked for Defendants at any location at any time within the past three years.


Conditional certification for FLSA collective actions is available under 29 U.S.C. § 216(b).

At the notice stage, before discovery has occurred, "Plaintiffs must only make a modest showing that they are similarly situated to the proposed class of employees." *Lewis v. Huntington Nat'l*

Bank, 789 F. Supp. 2d 863, 867 (S.D. Ohio 2011). “[S]imilarly situated class members under the FLSA are those whose causes of action accrued in approximately the same manner as those of the named plaintiffs.” *Id.* at 868. “Application of this ‘fairly lenient standard . . . typically results in conditional certification.’” *Id.* (citing *Comer v. Wal-Mart Stores, Inc.*, 454 F.3d 544, 547 (6th Cir 2006)).

Here, by stipulating to this Conditional Certification, both sides have agreed that Plaintiff has met his burden at this stage of the showing that he is similarly situated to all putative collective-action class members. Accordingly, this Court **GRANTS** Motion for Conditional Certification and Court-Supervised Notice to Potential Opt-in Plaintiffs, and all stipulations contained therein. (ECF No. 63).

IT IS SO ORDERED.


ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: February 1, 2021